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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IVAN YAIR TOVAR-RODRIGUEZ,

Defendant.

Case No.: 2:20-mj-00900-VCF

**STIPULATION TO CONTINUE
THE PRELIMINARY HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and ALLISON REESE, Assistant United States Attorney, counsel for the United States of America, and Benjamin Durham, counsel for Defendant IVAN YAIR TOVAR-RODRIGUEZ, that the preliminary hearing date in the above-captioned matter, currently scheduled for October 29, 2020, at 4:00 p.m., be vacated and continued for ninety (90) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The Government needs additional time to produce relevant discovery to Defense Counsel.

2. Defense Counsel needs additional time to review the discovery, conduct additional investigation, and confer with the Defendant about how he would like to proceed.

3. The parties need additional time to discuss resolving the case pre-indictment and if negotiations become futile, the Government needs additional time to seek an indictment.

4. The parties agree to the continuance.

5. Defendant IVAN YAIR TOVAR-RODRIGUEZ is in custody and does not object to the continuance.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.

8. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

9. This is the first request for a continuation of the preliminary hearing.

DATED: October 22, 2020

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Allison Reese

ALLISON REESE
Assistant United States Attorney

/s/ Benjamin Durham

BENJAMIN DURHAM
Counsel for Defendant IVAN YAIR
TOVAR-RODRIGUEZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

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IVAN YAIR TOVAR-RODRIGUEZ,

Defendant.

Case No.: 2:20-mj-00900-VCF

ORDER

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Government needs additional time to produce relevant discovery to Defense Counsel.

2. Defense Counsel needs additional time to review the discovery, conduct additional investigation, and confer with the Defendant about how he would like to proceed.

3. The parties need additional time to discuss resolving the case pre-indictment and if negotiations become futile, the Government needs additional time to seek an indictment.

4. Defendant IVAN YAIR TOVAR-RODRIGUEZ is in custody and does not object to the continuance.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.

7. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

8. This is the first request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for October 29, 2020, at the hour of 4:00 p.m., be vacated and continued to January 21, 2021, at the hour of 4:00p .m..

DATED this 23rd day of October, 2020.



THE HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE